

when the user selectable option that initiates the novice wager input interface is selected.

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32. (New) The system of claim 18, wherein the control circuitry transfers options selected in the expert wager input interface to the novice wager input interface when the user selectable option that initiates the novice wager input interface is selected.

33. (New) The method of claim 11, wherein the color indicator is an image of a jockey and a horse.

34. (New) The system of claim 26, wherein the color indicator is an image of a jockey and a horse.

REMARKS

I. Introduction

Applicants have cancelled claims 14 and 29 without prejudice. Applicants have amended claims 1-13, 15-28, and 30. Applicants have added new claims 31-34. No new matter has been added as a result of these amendments. These Remarks are followed by an Appendix showing how the claims have been amended and the new claims.

The Examiner rejected claims 11-13 and 26-28 under 35 U.S.C. § 112 as failing to forth the subject matter which applicants regard as their invention. Claims 10 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO/97/09699 (hereinafter the "'699 publication"). Claims 15 and 30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Walker et al. U.S. Patent No. 6,068,552 (hereinafter "Walker"). Claims 1-4 and 16-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Massaro et al. U.S. Patent No. 5,535,321 (hereinafter "Massaro"). Claims 5 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Prather et al. U.S. Patent No. 5,823,872

(hereinafter "Prather"). Claims 6-9 and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of the '699 publication and Prather. Claims 14 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the '699 publication in view of Massaro.

II. The Rejection of Claims 11-13 and 26-28 under 35 U.S.C. § 112

The Examiner rejected claims 11-13 and 26-28 under 35 U.S.C. § 112 as failing to set forth the subject matter which applicants regard as their invention.

Applicants have amended claims 11-13 and 26-28 to more particularly define applicants' invention. Independent claims 11 and 26, as amended, are directed towards a method and system for interactive wagering on horse races, wherein the user is provided with a horse selection window. The horse selection window includes a plurality of horse selection options for the wager and a color indicator, the color of the color indicator changing depending on which horse selection option is being highlighted.

Applicants respectfully submit that independent claims 11 and 26, as amended, and claims 12-13, 27-29, and 33-34 which depend therefrom, set forth the subject matter which applicants regard as their invention, and are therefore allowable under 35 U.S.C. § 112. Applicants request that the Examiner's rejection be withdrawn.

III. The Claim Rejections under 35 U.S.C. § 102

A. Claims 10 and 25

• The Examiner rejected claims 10 and 25 under 35 U.S.C. § 102(b) as being anticipated by the '699 publication.

Applicants have amended independent claim 10 and analogous system claim 25 to more particularly define applicants' invention. Applicants' claims 10 and 25, as amended, are directed towards displaying options for each one of a plurality of wager requirements for creating a wager that includes track, horse, wager type, and

wager amount requirements. The user sequentially designates an option for each wager requirement and after each designation, the designated option and all previously designated options are displayed as part of a simulated wager ticket.

The Examiner contends that FIGS. 35-39 and pages 25-26 of the '699 publication show the method (and system) of claims 10 and 25. Applicants submit that FIGS. 35-38 show displays of various options corresponding to wager requirements and FIG. 39 shows a summary of various options chosen for wager requirements, after the user has selected all the wager requirements for a wager. Applicants respectfully submit that the Examiner has failed to show where the '699 publication shows or suggests the displaying, after each designation, the designated option and all previously designated options as part of a simulated wager ticket as required by claims 10 and 25.

Moreover, the Examiner acknowledges that there are differences between the '699 publication and applicants' invention as defined in claims 10 and 25. The Examiner states that the '699 publication teaches an "end result view of the ticket" as opposed to applicants' simulated wager ticket. See Office Action, page 3. A claim is anticipated under 35 U.S.C. § 102 (b) only if each and every element as set forth in the claim is found. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). For at least this reason, and in view of the Examiner's failure to show how the '699 publication shows or suggests each and every element of applicants' invention, as required by claims 10 and 25, as amended, are allowable under 35 U.S.C. § 102(b) over the '699 publication. Applicants request that the Examiner's rejection be withdrawn.

B. Claims 15 and 30

The Examiner rejected claims 15 and 30 under 35 U.S.C. § 102(e) as being anticipated by Walker.

Applicants have amended independent claim 15 and analogous system claim 30 to more particularly define applicants' invention. Applicants' independent method claim 15 and analogous system claim 30, as amended, are directed towards creating and placing a first wager on a horse race based on selected wagering options and presenting the selected options from the first wager as default selections in a

subsequent wager entry process. During the subsequent wager entry process, wagering options other than the default selections are also available for selection.

Walker describes a slot machine that allows a user to customize the parameters of the slot machine while the house advantage stays constant. The parameters that the user can customize include payout schedule, probabilities, and wager amount. When the user has finished customizing the parameters of the slot machine, the user is then allowed to wager. For example, FIGS. 9A-9B of Walker illustrate the various steps that a user follows when customizing slot machine parameters. When the user has finished customizing parameters (FIG. 9B, step 932), the user interface displays a "Ready to Play" message to the user -- at this point in time, the user can start placing wagers with the slot machine.

The Examiner states that Walker describes user selection of wagering options such as payout schedule, probability, and wager amount, such that the user selections become default selections in subsequent wager entries, and thus, anticipates applicants' invention as defined in claims 15 and 30. However, the options that the Examiner refers to (e.g., payout schedule, probability, and wager amount) are not wagering options that a user is selecting to create and place a wager on a horse race as required by claims 15 and 30. The payout schedule, probability, and wager amount are parameters that a user can customize in a customization menu. Therefore, Walker does not anticipate applicants' invention as defined in claims 15 and 30 because Walker does not teach or suggest creating and placing a first wager on a horse race based on selected wagering options and presenting the selected wagering options as default selections in a subsequent wager entry process.

Accordingly for at least the foregoing reasons, claims 15 and 30, as amended, are patentable over Walker under 35 U.S.C. § 102(e). Applicants request that the Examiner's rejection be withdrawn.

IV. The Claim Rejections under 35 U.S.C. § 103

A. Claims 5 and 20

The Examiner rejected claims 5 and 20 under 35 U.S.C. § 103(a) as being anticipated by Prather.

Applicants have amended independent claim 5 and analogous system claim 20 to more particularly define applicants' invention. More specifically, applicants have substituted "types of user selection requirements" with "wager requirements" and "options" with "selectable options." Applicants have made these substitutions to advance prosecution and to more particularly define applicants' invention, and no new subject matter has resulted from these substitutions.

Applicants' claims 5 and 20, as amended, are directed towards displaying a wager input interface that includes a plurality of wager requirements and selectable options corresponding to the wager requirements. Each wager requirement is substantially aligned in a first dimension and the plurality of selectable options corresponding to each wager requirement is substantially aligned in a second dimension relative to each corresponding wager requirement.

Prather describes a simulated racing game with one track and a list of horses that are entered in the game. FIG. 8 of Prather illustrates a user interface for selecting various outcomes for different horses in the game (e.g., "Win", "Place", "Show"). A list of horse names is aligned in one dimension, and selectable outcomes for each horse are aligned in a second dimension with respect to each horse name. FIG. 8 of Prather also includes a "Gimmicks" option, which initiates the user interface of FIG. 13, when selected. The user interface of FIG. 13 includes a list of selectable wager types aligned in one dimension, e.g., "Quinella", "Exacta", and "Trifecta" and the explanation for a particular wager type is aligned in a second dimension relative to that particular wager type. The user may select one of these wager types for the game, and return to the user interface of FIG. 8 by selecting the "Return" option.

The Examiner relies on the description of the "Gimmicks" button of FIG. 8 (FIG. 13, cols. 9-10) to show that Prather teaches a plurality of user selection requirements (e.g., "Quinella", "Exacta", and "Trifecta") and a plurality of options such as horse names corresponding thereto. The Examiner then states that it would be obvious in view of the two-dimensional layout of horse names and "Win", "Place", "Show" options in FIG. 8 to organize the "Quinella", "Exacta", and "Trifecta" options and the horse names that correspond to each option in such a way as to anticipate applicants' claims 5 and 20.

Applicants submit that applicants' claims 5 and 20, as amended, are patentable over Prather because the "Quinella", "Exacta", "Trifecta", and the other

selectable options illustrated in FIG. 13 are not wager requirements. Rather, the options of FIG. 13 are options for a single wager requirement, which is the type of wager that the user wants to create. Moreover, applicants submit that Prather states that a user of the simulated racing game can select only one of these options. Prather, col. 10:1-2. Therefore, according to Prather itself, the options of FIG. 13 are not different wager requirements. Instead the options shown in FIG. 13 are options corresponding to a single wager requirement that the user selects to change the type of wager that the user wants to create.

Therefore, the Examiner has failed to show that FIG. 13 of Prather teaches or suggests a wager input interface that includes a plurality of wager requirements and selectable options corresponding thereto. The Examiner's contention that it would be obvious to re-organize the alleged plurality of wager requirements shown in FIG. 13 in the two-dimensional layout illustrated in FIG. 8 is irrelevant. As the Examiner has acknowledged that the two-dimensional layout of FIG. 8 does not include a plurality of wagering requirements and selectable options corresponding to each wagering requirement, Prather does not show or suggest applicants' invention as defined in claims 5 and 20. Moreover, it is not possible to organize the wager type options of FIG. 13 and the horse names that correspond to each option in the two-dimensional layout of FIG. 8 because the wager type options of FIG. 13 all require multiple horse selections.

Accordingly, for at least the foregoing reasons, claims 5 and 20, as amended, are patentable over Prather under 35 U.S.C. § 103(a). Applicants request that the Examiner's rejection be withdrawn.

B. Dependent Claims 6-9 and 21-24

The Examiner rejected dependent claims 6-9 and 21-24 over the combination of the '699 publication and Prather under 35 U.S.C. § 103(a).

As applicants have pointed out above, independent claims 5 and 20 are patentable over Prather. For at least the foregoing reasons, claims 6-9 and 21-24 which depend on claims 5 and 20 are patentable over Prather and the '699 publication. Applicants request that the Examiner's rejection be withdrawn.

C. Claims 14 and 29

The Examiner rejected claims 14 and 29 over the combination of the '699 publication in view of Massaro under 35 U.S.C. § 103(a). Applicants have cancelled claims 14 and 29 without prejudice and request that the Examiner's rejection be withdrawn.

D. Claims 1-4 and 16-19

The Examiner rejected claims 1-4 and 16-19 under 35 U.S.C. § 103(a) as being unpatentable over Massaro.

Applicants have amended independent claims 1 and 16 to more particularly define applicants' invention. Independent claims 1 and 16, as amended, are directed towards a method and a system that provide a user with an opportunity to initiate one of an expert wager input interface and a novice wager input interface. When the user initiates the expert wager input interface, a single selection window is presented that includes a plurality of user selectable options for a plurality of wager requirements for creating a wager. When the user initiates the novice wager input interface, a sequence of selection windows is presented that includes a plurality of user selectable wager options for a different wager requirement in each selection window.

In contrast to applicants' invention, Massaro does not teach or describe presenting the user with an opportunity to initiate one of a novice input interface and an expert input interface. Rather, Massaro describes a scheme in which a user can first "identify a particular function within a multiple function application and specify a level of complexity or assistance level which that user desires with respect to that particular function" and a desired input interface is retrieved at the selected level of assistance for that particular function. Massaro, col. 3: 25-65. For example, if

Massaro were to be applied to word processing software (as suggested in Massaro), a user would have to specify a level of complexity for a particular function (e.g., drawing a table), and then initiate that particular function. Therefore, in Massaro the user is not presented with an opportunity to initiate one of two interfaces: either to initiate a novice input interface or to initiate an expert input

interface. Accordingly, Massaro fails to teach or suggest an opportunity to initiate one of an expert wager input interface and a novice wager input interface as defined in applicants' claims 1 and 16.

Moreover, applicants' invention as defined by amended claims 1 and 16 specify that a single selection window that includes a plurality of wager options for a plurality of wager requirements is displayed when the expert wager input interface is selected. In addition, applicants' invention as defined by amended claims 1 and 16 specify that a sequence of selection windows is displayed, each of which includes a plurality of wager options for a different wager requirement, when the novice wager input interface is selected. Nowhere does Massaro show or suggest these limitations of claims 1 and 16. In addition, the Examiner acknowledges that "Massaro is not directed to a wager system or wager interfaces per say." Office Action, page 5.

For at least the foregoing reasons, independent claims 1 and 16, and claims 2-4, 17-19, and 31-32 which depend therefrom are patentable over Massaro under 35 U.S.C. § 103(a).

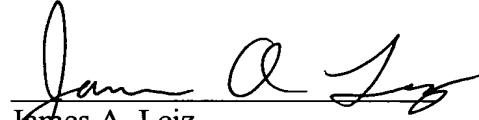
V. Conclusion

In view of at least the foregoing reasons, applicants respectfully submit that independent claims 1, 5, 10, 15, 16, 20, 25, and 30 and dependent claims 2-4, 6-9,

11-13, 16-18, 21-24, 26-28, and 31-34 are in condition for allowance.

Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James A. Leiz", written over a horizontal line.

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